

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: JOSE LEONARDO RIVERA and	:	CHAPTER 13
CARMEN GLORIA RIVERA	:	
Debtor(s)	:	
	:	
CHARLES J. DEHART, III	:	
STANDING CHAPTER 13 TRUSTEE	:	
Movant	:	
	:	
vs.	:	
	:	
JOSE LEONARDO RIVERA and	:	
CARMEN GLORIA RIVERA	:	
Respondent(s)	:	CASE NO. 5-18-bk-01720

TRUSTEE’S OBJECTION TO AMENDED CHAPTER 13 PLAN

AND NOW, this 25th day of October, 2018, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, and objects to the confirmation of the above-referenced debtor(s)’ plan for the following reason(s):

1. Debtor(s)’ plan violates 11 U.S.C. Sec. 1322(a)(1) in that the debtor(s) has not submitted all or such portion of the disposable income to the Trustee as required. More specifically,

Trustee alleges and avers that debtor(s)’ disposable income is greater than that which is committed to the plan based upon disposable income on Schedules I and J and specifically disputes the following amounts:

a. Excess disposable income.

2. Debtor(s)’ plan violates 11 U.S.C. Sec. 1322(b)(1) in that the plan classifies unsecured claims but unfairly discriminates certain claims in the designation. More specifically, the plan provides for payment of:

a. Student loan

3. Trustee avers that debtor(s)’ plan is not feasible and cannot be administered due to the lack of the following:

a. Paystub for month ending October 31, 2018.

WHEREFORE, Trustee alleges and avers that debtor(s) plan is nonconfirmable and therefore Trustee prays that this Honorable Court will:

- a. Deny confirmation of debtor(s) plan.
- b. Dismiss or convert debtor(s) case.
- c. Provide such other relief as is equitable and just.

Respectfully submitted:

Charles J. DeHart, III  
Standing Chapter 13 Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
(717) 566-6097

BY: /s/Agatha R. McHale  
Attorney for Trustee

CERTIFICATE OF SERVICE

AND NOW, this 25th day of October, 2018, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Harrisburg, Pennsylvania, postage prepaid, first class mail, addressed to the following:

Timothy Fisher, Esquire  
P.O. Box 396  
Gouldsboro, PA 18424

/s/Deborah A. Behney  
Office of Charles J. DeHart, III  
Standing Chapter 13 Trustee